

### **DETAILED ACTION**

1. This Office Action is a response to communications dated 08/03/09. Claims 32 and 34-53 are pending in the application.

#### ***Allowable Subject Matter***

2. Claims 32 and 34-53 are allowed.

3. The following is an examiner's statement of reasons for allowance: The prior art of record, considered individually or in combination, appears to fail to fairly show or suggest claimed invention comprising, among other limitations, novel and unobvious limitations of *"transmitting either the long packets to the CMTS over the first carrier using the wide-band ranging data or the short packets to the CMTS over the second carrier using the narrow-band ranging data,"* as recited in claim 32; *"transmitting from the CM either the long packets via the first carrier using the wide-band ranging data or the short packets via the second carrier using the narrow-band ranging data, based on the grant,"* as recited in claims 34-39; *"transmitting from the CM a data packet having a data packet length either via the first carrier frequency using the at least one first user unique parameter or via the second carrier frequency using the at least one second user unique parameter, based on the data packet length,"* as recited in claims 40-42; and *"transmitting a data packet from the transmitter having a data packet length using either the wide-band channel or the narrow-band channel based on the data packet length,"* as recited in claims 43-53, and structurally, functionally interconnected with other limitations in a manner as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Duong whose telephone number is 571-272-3164. The examiner can normally be reached on 7:00AM-3:30PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moe S. Aung can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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